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NOTE VERBALE DATED 25 JULY 1991 FROM THE PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Belgium to the United Nations presents its compliments to the Secretary-General and has the honour, with reference to paragraph 4 of Security Council resolution 700 (1991), to provide him with the following information:

The export of arms and munitions to Iraq has been subject to sanctions in Belgium since 1980; the sanctions were, furthermore, confirmed at the beginning of 1990 by the Ministerial External Relations Committee. As of 8 August 1990, Belgium took the necessary measures to implement the commercial and financial sanctions adopted by the Security Council in its resolution 661 (1990) (see document S/AC.25/1990/2, entitled "Measures taken by Belgium in application of Security Council resolution 661 (1990)").

It has thus been possible to ensure compliance with the provisions of article 24 of resolution 687 (1991) without the creation of any additional legal instruments.

Legislation

Belgian laws and regulations are fully consistent with the obligations set out in resolution 687 (1991), as well as with the previous binding decisions of the Council. The export of arms and military matériel is subject to the provisions of the Act of 11 September 1962 on the import, export and transit of goods, of the Royal Enforcement Decree of 24 October 1962 and of the Ministerial Decree of 8 August 1990, requiring the production of a licence for the export to Iraq of any products originating in or coming from the European Community.

Belgium also applies the regulations formulated by the European Community to govern exports to Iraq in accordance with the resolutions of the Security Council (such as Regulation (EEC) 2340-90).

Apart from these provisions, which cover all types of exports, Belgium also has legislation that dictates a very strict procedure for the export of nuclear materials and equipment (Act of 9 February 1991 and Royal Decree of 12 May 1989).

In addition, Belgium points out that, under the Act of 10 July 1978, it has prohibited the development, production, stockpiling or transfer of bacteriological (biological) and toxin weapons and has acceded to the related Convention of London, Moscow and Washington of 14 April 1972.

Implementation

The competent authorities are the Customs and Excise Administration within the Ministry of Finance and the Central Office for Quotas and Licences within the Ministry of Economic Affairs.

Documentation and goods are monitored by the Economic Inspectorate and the Customs Administration. There is a clause prohibiting the re-export of such goods.

The only permits granted by Belgium for exports to Iraq have related to food products and urgent requirements in accordance with the rules set out in resolution 661 (1990) and in resolution 687 (1991), in the light of the report of Mr. M. Ahtisaari (document S/22366).

In addition, with a view to ensuring strict compliance with the decisions of the Security Council, Belgium has ensured that these decisions are made known to the institutions and establishments concerned.

Note

Belgium points out that a draft act on the import, export and transit of arms, munitions and equipment for specifically military use and of related technology has just been approved by the Belgian Parliament. The fact that a specific act should govern international trade in such products is an innovation. The intention of the Belgian legislator is more effectively to combat the illicit traffic in weapons and thus to ensure the attainment of the objectives established by the United Nations in that regard.